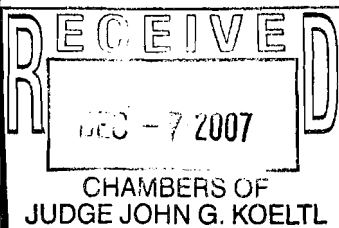


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December 7, 2007

VIA FACSIMILE

Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse, Room 4030
500 Pearl Street
New York, NY 10007

*The plaintiffs can have an
equal number of pages
& respond.*

So ordered.

JGK/Koeltl
A.S.D.S.

Re: Aguilar v. Immigration and Customs Enforcement, et. al.
07 Civ. 8224 (JGK) (FM)

Dear Judge Koeltl:

12/7/07

We write with regard to the Government's request to file an over-length brief in support of its partial motion to dismiss and its motion seeking a limited stay of discovery. While Plaintiffs do not oppose the Government's request to file a brief over the Court's page limits in support of its motions, if the Government's request is granted, Plaintiffs respectfully request the same courtesy with regard to their opposition papers. Plaintiffs also respectfully note, though, that since (as the Government points out) "standing determinations are highly fact specific," courts typically deny motions to dismiss on the pleadings for lack of standing in the context of claims for equitable relief. *See National Congress for Puerto Rican Rights v. City of New York*, 75 F. Supp. 2d 154, 164 (S.D.N.Y. 1999), citing *City of Los Angeles v. Lyons*, 461 U.S. 95, 130-31 (1983) (Marshall, J., dissenting).

Furthermore, as an initial matter Plaintiffs object, and intend to vigorously oppose, the Government's forthcoming motion to stay discovery as the parties are in the midst of discovery relating to Plaintiffs' Order to Show Cause for Expedited Discovery. In that regard, the Government's motion is premature and potentially evidences an intent to stall production of relevant discovery requested by Plaintiffs. At this time, however, Plaintiffs will refrain from

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Honorable John G. Koeltl
December 7, 2007
Page 2

providing detailed argument in opposition until, if, and when the Government submits its motion.

Respectfully submitted,



Donna L. Gordon

DLG/jas

cc: Elizabeth Wolstein, Esq. (via facsimile and e-mail)
Shane Cargo, Esq. (via facsimile and e-mail)
Foster Maer, Esq. (via e-mail)
Ghita Schwarz, Esq. (via e-mail)